Marcos Jr. should be disqualified from presidential race over tax evasion conviction: Carpio

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Posted at Nov 05 2021 12:57 AM | Updated as of Nov 05 2021 01:14 AM

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MANILA - The Commission of Elections should cancel the certificate of candidacy of presidential aspirant Ferdinand "Bongbong" Marcos Jr. due to his tax evasion conviction more than two decades ago, former Supreme Court Senior Associate Justice Antonio Carpio said Thursday.

His statement came days after civic groups urged Comelec to deny Marcos' COC over the latter's supposed "false material representation." He was convicted in 1995 for failure to file mandatory income tax returns from 1982 to 1985.

Carpio, in an interview with ANC's After the Fact, emphasized "it is very clear" the law supports the civic groups' petition to Comelec.

"You have Section 12 of the Omnibus Election Code, which says if you have been convicted of a crime involving moral turpitude, you're disqualified. And tax evasion involves moral turpitude," he said.

Moral turpitude refers to an "act of baseness, vileness, or depravity in the private duties..." and "encompasses everything which is done contrary to justice, honesty, or good morals."

"Also there's another provision, the Tax Code ... (Section) 253-C of the Tax Code says if you're a public officer (and) you violated provision of the Tax Code, you will be removed from office. You are perpetually disqualified to run from public office. You cannot vote and be voted for, period," Carpio noted.

The provision was also used by the civic groups in their petition.

Even if moral turpitude on the part of Marcos Jr. will not be proven, his record of violation of the Tax Code can be used to prevent him from continuing with his candidacy, the former senior judiciary official said.

"These are two independent and separate grounds. One is sufficient. If (one) doesn't apply, the other can apply," he said.

The Court of Appeals affirmed Marcos Jr.'s conviction in 1997 but merely imposed a fine. He appealed the ruling before the Supreme Court but later withdrew it in 2001.

At the time his conviction became final in 2001 when he withdrew his appeal, Marcos Jr. was governor of Ilocos Norte, a post he held from June 1998 to June 2007.

"If this happened to an ordinary person, he did not file from '82 to '85, he would be sentenced to three years for each count. Because he is Bongbong Marcos, they reduced the penalty to only a fine," Carpio said.

He noted the regional trial court that gave the conviction sentenced the only son of the late dictator Ferdinand Marcos Sr. to three years in prison.

"The Court of Appeals gave him a pass," he said, stressing that imprisonment is mandatory, as interpreted from the Constitution.

Nevertheless, Carpio said the reduction of Marcos Jr.'s penalty to a fine does not matter.

If the issue of moral turpitude is raised, "this will have to go back to the Supreme Court," he said.

"We have to look at what the Supreme Court said: 'In the end, we decide whether it's moral turpitude or not," Carpio said, adding that either side will go to the country's top tribunal to contest whatever decision Comelec will have.

The Marcos camp on Wednesday blasted the bid of several groups to block his presidential run. Its spokesperson Vic Rodriguez called the petition "outrageous," saying "there is really no case" against the former senator.

Rodriguez called the petition an "old yellow narrative containing the old yellow political attacks," saying only one page of it concentrated on the basis of the bid to cancel Marcos' presidential bid.

"Now, if that is not gutter politics, hindi ko na alam kung ano pa itatawag natin diyan (I don't know what that is)," he said.

Opposition figures are usually called "yellows" by those siding with the Duterte and Marcos administrations due to the trademark yellow color used by the Corazon and Benigno Aquino administrations.

The late President Corazon Aquino assumed power in 1986 after Marcos Sr. and his family were deposed and went into exile in Hawaii following the collapse of his strongman rule.

Marcos Jr. was the third presidential aspirant to sign up last month for the 2022 elections, promising he would be a "unifying" leader to help the Philippines tackle the pandemic and economic crises.

His COC filing for Halalan 2022 was met with protests by human rights groups, denouncing his alleged attempt to return his family to power.

The Marcos family has long sought to rebuild its image and has repeatedly denied allegations that it plundered state wealth while in power, estimated in 1987 at $10 billion.

—With reports from Mike Navallo, ABS-CBN News